



02-24-2003

U.S. Patent &amp; TMO/c/TM Mail Rcpt Dt. #64

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE PROCTER & GAMBLE COMPANY	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91152722
	)	
EDL LICENSING CORP.	)	
	)	
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant EDL Licensing Corp., (hereinafter Applicant), herewith answers the Notice of Opposition filed by The Procter & Gamble Company, (hereinafter Opposer). Any allegations in the Notice not specifically admitted hereinafter are denied by Applicant.

In answer to the allegations set forth in the Notice of Opposition, Applicant states as follows:

1. Applicant admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and, therefore, denies same. Applicant reserves the right to amend this response.
3. Applicant is without sufficient knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition. In any event, it is noted that Opposer does not claim a date of priority with respect to any of the goods listed in Applicant's application. Therefore, with respect to those goods, Opposer appears to be conceding priority to Applicant.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and, therefore, denies same. Applicant reserves the right to amend this response.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition and, therefore, denies same. Applicant reserves the right to amend this response.

6. Applicant denies the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

#### **FIRST AFFIRMATIVE DEFENSE**

10. The Notice of Opposition fails to state a claim upon which relief may be granted

#### **SECOND AFFIRMATIVE DEFENSE**

11. Opposer cannot prevail in this opposition since it has not been and is not likely to be damaged by the Applicant's registration of LUV-IT in connection with babies' and children's strollers, carriages, car seats, bumpers, carriers and bicycles in class 12; babies' and children's bags, packs and carriers in class 18; babies' and children's furniture; mattresses, pillows, and bassinets in class 20 babies' and children's bedding and bath products – namely, mattress covers and pads, sheets, pillow cases, crib bumpers, blankets, quilts, dust ruffles, valances, crib and cradle covers, towels, wash cloths and mitts, bath mats, in international class 24; babies' and children's toys – namely, play mats, crib toys, mobiles, rattles, stuffed animals, plastic and

rubber animals, dolls, play cosmetics, musical toy instruments, musical players and toys, activity toys, activity tables and benches, blackboards, crayons and chalk, bicycles and tricycles, wagons, sleds, cars and trucks, play gyms, slides, swings, play pools, sand boxes, play balls, toy bats and paddles, and hand held unit for playing electronic games in international class 28.

### **THIRD AFFIRMATIVE DEFENSE**

12. Opposer is not entitled to prevail in this opposition in view of the prior use of other "LUV" marks with respect to diaper bags, backpacks, baby carriers worn on the body sold with a protective cover for the baby; blankets, crib bumpers, shams, crib sheets and towels as well as shirts, shorts, pants, coats, t-shirts, pajamas, baby bunting, clothing training pants, cloth bibs, hats and dresses; clothing, namely, infants cloth bibs and infant sleepwear as well as toys, namely rattles and stuffed animals, infant's and toddler's clothing, namely pajamas, cover-alls, creepers, polo shirts and underwear.

### **FOURTH AFFIRMATIVE DEFENSE**

13. Opposer cannot prevail since there is no likelihood of confusion.

WHEREFORE, Applicant respectfully requests that Opposition No. 91153317 be denied i/, all respects and that application Serial No. 76/039,365 be allowed for registration.

Respectfully submitted

EDL LICENSING CORP.

By Its Attorneys  
NIXON & VANDERHYE, P.C.

By: 

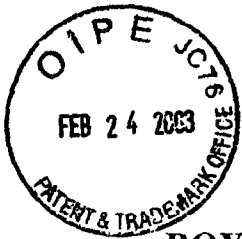
Robert W. Adams  
1100 North Glebe Road  
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Arlington, Virginia 22201  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was mailed, first-class postage prepaid, to Opposer's attorney of record Tracy Tramonte, The Procter & Gamble Company, One Procter & Gambel Plaza, Cincinnati, Ohio 45202, this 24<sup>th</sup> day of February, 2003.

A handwritten signature in black ink, appearing to be "John D. [unclear]", written over a horizontal line.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**BOX - TTAB  
FEE**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

In re application of:

EDL LICENSING CORP.

Opposition No.: 91152722

Serial No.: 76/039,365

Filed: May 2, 2000

Our Account No. 14-1140

Mark: LUV-IT

Our Docket No. 375-21

C# M#

Date: February 24, 2003

Sir:

Enclosed for filing is Applicant's Answer to Notice of Opposition and a return-receipt postcard. **The Answer is being filed in triplicate.**

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account/Order Nos. shown in the above heading. **duplicate copy of this sheet is attached.**

Respectfully submitted  
NIXON & VANDERHYE, P.C.

By: 

Robert W. Adams  
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Arlington, Virginia 2201  
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TRADEMARK TRIAL AND  
APPEAL BOARD  
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Encl. ANSWER TO NOTICE OF OPPOSITION/POSTCARD